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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,541	10/08/2001	Daniel R. Bolar	10010463-1	4434

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EXAMINER

MASKULINSKI, MICHAEL C

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/972,541	Applicant(s) BOLAR, DANIEL R.	
	Examiner Michael C Maskulinski	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 October 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/20/01</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **Non-Final Office Action**

### ***Claim Objections***

1. Claim 23 is objected to because of the following informalities: in line 3, *to said means plurality of* should be *to said plurality of*. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 recites the limitation "said policy builder" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, the claim language has been interpreted as being "a policy builder."

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 4-6, 8, 10, 11, 14-16, 18, 20-23, and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Fenger et al., U.S. Patent 6,751,659 B1.

Referring to claims 1, 11, and 20:

- a. In column 1, lines 50-51, Fenger et al. disclose a resource that may be bandwidth, multicasting, virtual local area networks, or security (at least one network element that is managed by said management system).
- b. In column 1, lines 45, Fenger et al. disclose a primary server (a management processor).
- c. In column 1, lines 40-45, Fenger et al. disclose a secondary server connected to the primary server (at least one distributed management server that is distributed from said management processor and communicatively coupled to said management processor).
- d. In column 1, lines 39-59, Fenger et al. disclose that a database associated with the primary server may contain voluminous number of policy rules that make up policy information for the whole network. Policy rules are conditions for a user/application system to access a resource. Further, for each component only a subset or subsets of the policy information relevant to that component can be distributed (at least one policy object residing on and executable by at least one of said at least one distributed management server, said at least one policy object defining management behavior for managing at least one of said at least one network element).

Referring to claims 4, 14, and 27, in column 2, lines 30-36, Fenger et al. disclose a database connected to the primary server that contains the superset of policy information. The updates can be distributed to all affected network components, including other policy servers such as the secondary server that may further distribute the subsets of the policy information to other affected components (a policy server communicatively coupled to said at least one distributed management server, said policy server storing said at least one policy object and operable to distribute said at least one policy object to said at least one distributed management server).

Referring to claims 5 and 15, in column 2, lines 36-40, Fenger et al. disclose that the policy information can be modified by human or programmed intervention (a policy builder user interface communicatively coupled to said policy server, said policy builder user interface operable to receive input from a user defining policy objects).

Referring to claims 6 and 16, in column 2, lines 57-67 continued in column 3, lines 1-8, Fenger et al. disclose that the target identifies itself, describes its capabilities and roles in the network, such as giving user ID or requesting certain resources, and describes how it is configured to work within the network. The policy server uses the information about the target as a filter to select the relevant subset of policy information for delivery to the target (a configuration file communicatively accessible by said policy server, said configuration file storing information defining at least one of said at least one distributed management server to which each of said at least one policy object is to reside).

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Referring to claims 8 and 18, in column 1, lines 60-65, Fenger et al. disclose that the primary server maintains and manages a set of policy rules in a form of a policy tree, which is a representation of a hierarchical policy database structure and may show which node of the tree corresponds to which network component. Further, in column 3, lines 3-8, Fenger et al. disclose filtering policies so that they are associated with particular devices (a management information base communicatively coupled to said management processor, said management information base operable to store software objects corresponding to said at least one network element).

Referring to claim 10, in column 2, lines 63-67 continued in column 3, lines 1-8, Fenger et al. disclose that the target identifies itself, describes its capabilities and roles in the network, such as giving user ID or requesting certain resources, and describes how it is configured to work within the network. The policy server uses the information about the target as a filter to select the relevant subset of policy information for delivery to the target (logic executable to distribute said at least one policy object to said at least one distributed management server in accordance with said configuration file).

Referring to claim 21, in column 2, lines 63-67 continued in column 3, lines 1-8, Fenger et al. disclose that the target identifies itself, describes its capabilities and roles in the network, such as giving user ID or requesting certain resources, and describes how it is configured to work within the network. The policy server uses the information about the target as a filter to select the relevant subset of policy information for delivery to the target. Further, in column 3, lines 13-31, Fenger et al. teaches using different policies to affect the load and traffic on the network (means for normalization of data

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received from said plurality of managed network elements and means for data path selection between said means of data normalization and said plurality of distributed processing means).

Referring to claim 22, in column 2, lines 63-67 continued in column 3, lines 1-8, Fenger et al. disclose that the target identifies itself, describes its capabilities and roles in the network, such as giving user ID or requesting certain resources, and describes how it is configured to work within the network. The policy server uses the information about the target as a filter to select the relevant subset of policy information for delivery to the target (means for associating attributes of said plurality of managed network elements with said plurality of distributed processing means for implementing the defined management behavior).

Referring to claim 23, in column 2, lines 24-40, Fenger et al. disclose a database storing policies (means for storing the defined management behavior) and distributing changes made to the database to the affected network components (means for distributing the defined management behavior to said means plurality of distributed processing means).

Referring to claim 26, in column 2, lines 63-67 continued in column 3, lines 1-8, Fenger et al. disclose that the target identifies itself, describes its capabilities and roles in the network, such as giving user ID or requesting certain resources, and describes how it is configured to work within the network (means for providing information regarding said plurality of network elements and interrelationships between said plurality of network elements).



Referring to claims 28 and 29, in column 2, lines 63-67 continued in column 3, lines 1-8, Fenger et al. disclose that the target identifies itself, describes its capabilities and roles in the network, such as giving user ID or requesting certain resources, and describes how it is configured to work within the network. The policy server uses the information about the target as a filter to select the relevant subset of policy information for delivery to the target (a means or configuration file for determining appropriate said plurality of distributed processing means).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3, 7, 12, 13, 17, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenger et al., U.S. Patent 6,751,659 B1, and further in view of Tentij et al., U.S. Patent 6,513,129 B1.

Referring to claims 2 and 12, in Figure 1, Fenger et al. disclose a proxy, a device, and a client. However, Fenger et al. don't explicitly disclose at least one gateway communicatively coupled to at least one of said at least one distributed management server and communicatively coupled to at least one of said at least one network element and at least one decision object stored in said at least one gateway, said at least one decision object defining decision behavior for routing information regarding at

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least one of said at least one network element to an appropriate one of said at least one distributed management server for execution of an appropriate one of said at least one policy object. In Figure 7 and in column 1, lines 37-47, Tentij et al. disclose that the gateway is communicatively connected to a network for receiving alarm incidents from the network. The gateway has a rule engine for selecting a control object from a set of control objects based on information from the alarm incident, and processing the selected control object. It would have been obvious to one of ordinary skill at the time of the invention to include the gateway with a rule engine of Tentij et al. into the system of Fenger et al. A person of ordinary skill in the art would have been motivated to make the modification because the gateway makes the system of Fenger et al. more fault tolerant (see Tentij et al.: column 1, lines 19-31).

Referring to claims 3 and 13, in column 60-65, Fenger et al. disclose that the primary server maintains and manages a set of policy rules in a form of a policy tree which is a representation of a hierarchical policy database structure and may show which node of the tree corresponds to which network component (said decision object is a data path tree associating attributes of said at least one network element with said at least one policy object).

Referring to claims 7, 17, and 25, in column 60-65, Fenger et al. disclose a set of policy rules in a form of a policy tree which is a representation of a hierarchical policy database structure and may show which node of the tree corresponds to which network component. However, Fenger et al. don't explicitly disclose an alert server communicatively coupled to said management processor wherein said alert server

generates alerts based on fault conditions transmitted by said at least one distributed management system in accordance with said at least one policy object. In column 3, lines 1-8, Tentij et al. disclose a manager that acquires alarm information from managed network elements, performing the required information processing activities on the network (e.g., correlating alarms, implementing service requests), and directing the managed elements to take appropriate action such as performing a test. It would have been obvious to one of ordinary skill at the time of the invention to include the fault management system of Tentij et al. into the system of Fenger et al. A person of ordinary skill in the art would have been motivated to make the modification because it makes the system of Fenger et al. more fault tolerant and it allows the service provider to monitor the operational state of the network (see Tentij et al.: column 1, lines 19-31).

8. Claims 9, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenger et al., U.S. Patent, and further in view of Kekic et al., U.S. Patent 6,664,978 B1.

Referring to claims 9 and 19, in column 2, lines 39-40, Fenger et al. disclose that policy information can be modified by a human or programmed intervention. However, Fenger et al. don't explicitly disclose a policy builder comprising an interface operable to receive user input defining said information stored to said configuration file. In the Abstract, Kekic et al. disclose a visual element manager builder, which is a visual development environment in which device vendors or network managers may create standardized element management applications called element managers. It would have been obvious to one of ordinary skill at the time of the invention to include the

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element manager builder of Kekic et al. into the system of Fenger et al. A person of ordinary skill in the art would have been motivated to make the modification because the element manager builder allows the user to build an element without the use of code and thus simplifies the process (see Kekic et al.: column 5, lines 25-39). Further, the user interface of Kekic et al. is one means modifying policies by human intervention as disclosed by Fenger et al.

Referring to claim 24, in Figure 1, Fenger et al. teaches a policy tree, however, Fenger et al. don't explicitly disclose a means for graphically generating the defined management behavior. In column 5, lines 40-42, Kekic et al. disclose a graphic user interface that includes a visual image of a computer network element being managed. It would have been obvious to one of ordinary skill at the time of the invention to include the graphic user interface of Kekic et al. into the system of Fenger et al. A person of ordinary skill in the art would have been motivated to make the modification because the graphic user interface can be used by the user to modify the policy objects (see Kekic et al.: column 5, lines 52-65).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2004/0064541 A1	Ebata et al.
US 2003/0195957 A1	Banginwar
U.S. Patent 6,678,835 B1	Shah et al.
U.S. Patent 6,782,420 B1	Barrett et al.

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U.S. Patent 6,671,724 B1            Pandya et al.

U.S. Patent 6,578,076 B1            Putzolu


U.S. Patent 6,477,572 B1            Elderton et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (703) 308-6674. After October 15, 2004, the examiner can be reached at telephone number: (571) 272-3649. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MM

  
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